

AMENDMENT ACCOMPANYING A REQUEST FOR CONTINUED EXAMINATION
Appl. No. 08/904,056
Amendment dated July 7, 2005
Reply to Office Action mailed February 24, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1, 2, and 4 through 30 remain in this application. Claim 3 has been cancelled. No claims have been withdrawn. Claim 31 has been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

A. Rejection of Claims 1 through 2 and 4 through 8 Under 35 U.S.C. § 101

Claims 1 through 2 and 4 through 8 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter falling outside the technological arts.

Amended independent claim 1 now incorporates the requirement that the list of configuration choices is "presented in a graphical user interface on an information appliance". . Thus, amended independent claim 1 now clearly falls within the technological arts.

Accordingly, it is respectfully suggested that the rejection of claims 1 through 2 and 4 through 8 under 35 U.S.C. § 101 can be properly withdrawn.

B. Rejection of Claims 25, 27 and 29 Under 35 U.S.C. § 112

Claims 25, 27 and 29 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 25, 27, and 19 have been cancelled, and therefore the §112, first paragraph, rejection is submitted to be moot.

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C. §102 and §103 Rejections of the Claims

Claims 1 through 4, 9 through 13 and 17 through 21 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Henson (U.S. Patent 6,167,383). This rejection is respectfully traversed.

Claims 5 through 7, 13 through 15 and 21 through 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Henson in view of Tuzhilin (U.S. Patent 6,236,978). This rejection is respectfully traversed.

Claims 26, 28 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Henson in view of Tuzhilin and further in view of Roberts et al. (U.S. Patent 6,101,486). This rejection is respectfully traversed.

Claim 1 defines a method that now requires, in part, "receiving a system configuration selection including a combination of *at least two system elements of said available system elements* selected from said list of configuration choices" and "providing a description of a function capable of being implemented with *the combination of at least two system elements* of said system configuration selection". Similarly, but not identically, claim 9 defines a program of instructions impressible upon a medium that requires "receiving a system configuration selection including a combination of *at least two system elements of said available system elements* selected from said list of configuration choices" and "providing a description of a function capable of being implemented with *the combination of at least two system elements* of said system configuration selection". Also, claim 17 defines a system which requires "means for receiving a system configuration selection including a combination of at least two system elements of said available system elements selected from said list of configuration choices" and "means for providing a description of a function capable of being

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implemented with the combination of at least two system elements of said system configuration selection". Further, claim 31 defines a method that requires "receiving a system configuration selection including a particular combination of at least two system elements of said available system elements selected from said list of configuration choices" and "providing a description of a function capable of being implemented with the particular combination of at least two system elements comprising said system configuration selection".

It is submitted that the claims define over the prior art, especially the art cited in the rejections of the Office Action, and therefore withdrawal of the rejections and allowance of the claims is respectfully requested.

Conclusion

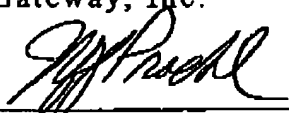
It is respectfully urged that the instant application, as amended, is now in condition for allowance. However, if the Examiner believes that there are unresolved issues, the Examiner is respectfully invited to contact applicant's attorney to discuss these issues.

Respectfully submitted,

Respectfully submitted,
Gateway, Inc.

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By


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